

Number: 2003-06**Page 1 of 3****Date:** December 2003

Subject: Standard Fees for Certificates of Inspection (annual and temporary)

Purpose: The purpose of this bulletin is to assist the Department in administering the City of Boston Code ("C.B.C") Ordinance c. 18-1.12 which establishes fees for the inspection of licensed establishments as required by the State Building Code.

GENERAL CONSIDERATIONS:

- The City of Boston has authorized the I.S.D. Commissioner to fix a reasonable fee for issuing annual or temporary certificates of inspection ("C.I.") required by the State Building Code. These fees are permissible under C.B.C. c. 18-1.12 so long as they remain reasonable, are assessed only to the user and provide a particularized benefit to the user.¹
- The fee schedule set out in c. 18-1.12 shall, pursuant to G.L. c. 40 § 22F, supersede any fee established under any statute or regulation, including the State Building Code, for a C.I..
- A temporary certificate authorizing a change to a temporary use, for example from a gymnasium to a function hall, shall carry the fee established for the use group of the temporary use. The fee shall, to avoid an excessive fee, take special consideration as to the compatibility between the annual and temporary maximum capacities to avoid paying a fee for occupants that may already have been figured into the annual fee.

DETERMINATION:

Boston Inspectional Services shall charge the following fees for annual and temporary inspection certificates in accordance with the provisions of C.B.C. c. 18-1.12:

Section 1.0. Assembly Use Groups**Opera Houses, Movie Theaters and "other similar uses."***

Annual fee: 0.50 cents per person for maximum capacity stated on the annual C.I.

Temporary fee: \$50

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-1 Use Group Assembly theaters, which generally includes places of assembly usually with fixed seating intended for viewing performing arts or motion pictures.

¹ See Emerson College v. City of Boston, 391 Mass. 415, 425 (1987)

Nightclubs, Dance Halls, Live Entertainment Bar, Lounge and "and other similar uses."*

Annual Fee: \$1.00 for each person allowed up to the maximum capacity stated on the annual C.I.

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-2 Use group which includes places of assembly without a theatrical stage.

Restaurants, Art Galleries, Lecture Halls, Libraries, Exhibitions Halls, Function Hall and "Similar Uses."*

Annual: 0-400 person capacity: \$37.50
400-5000 capacity: \$75.00.
5000 + capacity: \$75.00 + \$15.00 for each 1,000 persons over 5000

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-3 Use group which generally includes no permanent seating, incidental motion picture projection facility used for entertainment, amusement or recreation.

Churches, Temples, Funeral Homes and "Similar Uses"* 2

Annual: \$37.50

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-4 use group which generally includes places of assembly that have low density for worship or other religious service, **INCLUDING DAY CARES.**²

Outdoor Assembly, Bleacher Seating, Stadium, Coliseum and "Similar Uses"*

Annual: \$37.50 for 0- 5000 (five thousand) person capacity, then an additional \$7.50 for every one-thousand (1,000) people over the first 5000 people.

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 303 for the A-5 use group which generally includes assembly intended for viewing such as bleachers and stadiums and coliseum.

Section 2.0 Institutional Uses

Hospitals, Nursing Homes, Sanitariums, Orphanages, Jails, Prisons and "Similar Uses." *

² 780 C.M.R. 202 defines Child day care center as any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school child

Annual: \$100 for each building containing up to one hundred (100) beds, plus two dollars (\$2.00) for each additional ten (10) beds or a fraction thereof. No bed facilities shall be charged fee for 0-100 beds. Beds shall be permanent or temporary sleeping arrangements(e.g. napping space)

Temporary: Same formula as "Temporary fee" above.

* "Similar uses" shall be those uses meeting the definition in 780 C.M.R. 308 for either the I-1, I-2 or I-3 use group, which generally include all buildings and structures housing people suffering from limitation because of health or age are harbored for medical or other care or treatment or which people are detained for penal or correction purposes or in which the inmate liberty is restricted.

Section 3.0 Residential Uses

Hotels, Motels, Boarding Houses, Lodging Houses and Dormitories.

Annual: \$75.00 for the first ten units and then \$10.00 for each unit beyond the first ten.

Temporary: Same formula as "Temporary fee" above.

Term "units" shall, for the purposes of setting fees in this bulletin only, be defined by the State Building Code, Table 106, and set out below, as this has been the department policy for defining this term in the city ordinance for approximately 20 years:

Hotels/Motels: 2 guest rooms = 1 unit

number of guest rooms / 2 = # of units used to determine the fee amount.

Lodging Houses: 2 guest rooms = 1 unit

number of guest rooms / 2 = # of units used to determine the fee amount.

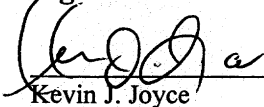
"# of guest rooms" will be the same as number of occupants, unless applicant provides documentation corroborated by field inspection showing otherwise.

Dormitories: 4 persons/sleeping beds = 1 unit (one person per bed)

number of beds (building occupants) / 4 = # of units used to determine the fee.

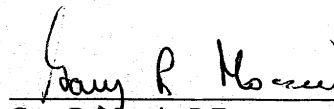
EFFECTIVE FEBRUARY 01, 2004: All applicants for both temporary and annual certificates for uses in the lodging/boarding houses, dormitories and hotel/motels must list both the number of **occupants** and the number of **units** on the C.I. and C.O. applications in order to be complete.

Signature:



Kevin J. Joyce
Commissioner

Date: 12/12/03



Gary P. Moccia, P.E.
Inspector of Buildings

Date:

12/12/03

development center, or preschool or known under any other name, which receives children not of common parentage under 7 years of age or under 16 years of age if such children have special needs for non-residential custody an care during parts or all of the day separated from their parents. Child day care **SHALL NOT INCLUDE:** public school systems, any part of a private, organized education system unless limited primarily to kindergarten, nursery or related preschool services, a Sunday school conducted by religious institution or facility for caring for children while parents attend worship services, a family day care home as define by G.L. c 28A or an informal arrangement among neighbors or relatives.